

PTO/SB/21 (03-03)

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**TRANSMITTAL
FORM**

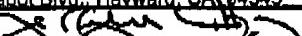
(To be used for all correspondence after initial filing)

		Application Number	09/533,029
		Filing Date	3/22/2000
		First Named Inventor	HEARD, Jacqueline E.
		Art Unit	1638
		Examiner Name	David H. Kruse
Total Number of Pages in This Submission	7	Attorney Docket Number	MBI-0010 CPA

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Jeffrey M. Libby, Ph.D., Reg. No. 48,251 Mendel Biotechnology, Inc. 21375 Cabot Blvd., Hayward, CA 94545
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Signature	
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Date	August 8, 2003
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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 8-8-2003

Typed or printed	Kathleen K. Muto
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Signature	
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Date	8-8-03
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)-0-

Complete If Known

Application Number	09/533,029
Filing Date	3/22/2000
First Named Inventor	HEARD, Jacqueline E.
Examiner Name	David H. Kruse
Art Unit	1638
Attorney Docket No.	MBI-0010 CPA

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number: 50-1025
 Deposit Account Name: Mendel Biotechnology, Inc

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee			
1002 330	2002 165	Design filing fee			
1003 520	2003 260	Plant filing fee			
1004 750	2004 375	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)		0.00			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20			
1201 84	2201 42	Independent claims in excess of 3			
1203 280	2203 140	Multiple dependent claim, if not paid			
1204 84	2204 42	" Reissue independent claims over original patent			
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$)		0.00			

**or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 410	2252 205	Extension for reply within second month			
1253 930	2253 465	Extension for reply within third month			
1254 1,450	2254 725	Extension for reply within fourth month			
1255 1,970	2255 985	Extension for reply within fifth month			
1401 320	2401 160	Notice of Appeal			
1402 320	2402 160	Filing a brief in support of an appeal			
1403 280	2403 140	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,300	2453 650	Petition to revive - unintentional			
1501 1,300	2501 650	Utility issue fee (or reissue)			
1502 470	2502 235	Design issue fee			
1503 630	2503 315	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1607 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 180	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))			
1801 750	2801 375	Request for Continued Examination (RCE)			
1602 900	1802 900	Request for expedited examination of a design application			

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Jeffrey M. Libby, Ph.D.	Registration No. (Attorney/Agent)	48,251
Signature		Date	Aug 8, 2003

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21375 Cabot Boulevard
Hayward, California 94545
Ph: (510) 264-0280 Fax: (510) 264-0254

**Mendel
Biotechnology, Inc.**

Fax

To:	Examiner David H. Kruse, Group Art Unit: 1638	From:	Jeffrey M. Libby
Fax:	(703) 746-5068	Pages:	9 (including cover)
Phone:	(703) 306-4539	Date:	August 15, 2003
Re:	ATTY DOCKET NO.: MBI-0010 CPA U.S. APPLICATION NO.: 09/533,029, filed March 22, 2000	CC:	

Dear Examiner Kruse:

Attached is our Response to Advisory Action in the above-referenced case, along with:

- a) Transmittal;
- b) Transmittal Fee Sheet; and
- c) Copy of "Auto-Reply Facsimile Transmission" received by our office on 8/8/03 at 1:25 PM (PDT).

Respectfully,

Jeffrey M. Libby, Ph.D., Registration No. 48,251

JML/kkm

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Aug. 15 2003 10:39AM P9

USPTO->

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Page 001

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Auto-Reply Facsimile Transmission



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A.J.A. 8. 2003 9:32AM MENDEL BIOTECHNOLOGY	HQ 733 1
21375 Cabot Boulevard Hayward, California 94545 Telephone: (510) 264-0280 Facsimile: (510) 264-0254	
Mendel Biotechnology, Inc.	
To: U.S. PATENT AND TRADEMARK OFFICE ATTN: Examiner David H. Kruse Group Art Unit 1638	Faximile: (703) 872-9307 (After Final) Telephone: (703) 306-4539
From: Jeffrey M. Libby, Ph.D., Date: August 8, 2003	
We are transmitting a total of <u>8</u> pages (including this page). Original or hard copy to follow if this line is checked.	
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CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 8, 2003. <u>Kathleen M. Libby</u> Kathleen M. Libby	
RE: APPLICATION NO.: 09/111,022 FILED: March 22, 2000 TITLE: TRANSIENT PLANTS COMPRISING POLYNUCLEOTIDES ENCODING TRANSCRIPTION FACTORS THAT CONFER DISEASE TOLERANCE	
Enclosures: 1) Transmittal Form (1 pg); 2) FCO Transmittal Form (1 pg); and 3) Response to Advisory Action and Amendment (1 pg).	
Responsibility: <u>JML</u> Jeffrey M. Libby, Ph.D. (Reg. No.48,291)	

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